



PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re International Application of of	:	
CHEVRON U.S.A. INC.	:	<u>BOX PCT</u>
International Application No.	:	
PCT/US03/05987	:	
International Filing Date	:	
February 28, 2003	:	
(Applicant's ref. No. 10/043,527)	:	
	:	P. O. Box 6006
	:	San Ramon, CA 94583-0806

**AFFIDAVIT OF ALEXIS BUSH HARRIS IN SUPPORT OF
PETITION UNDER 37 C.F.R. 1.10 (d)**

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sirs,

I, Alexis Bush Harris, being first duly sworn, state as follows:

1. I am currently employed as a legal analyst by ChevronTexaco Corporation in the Law Department, Intellectual Property and Trademark Unit. One of my responsibilities as a legal analyst is to prepare and file patent applications under the Patent Cooperation Treaty (PCT). By virtue of my position and direct responsibility for filing PCT applications, I have personal knowledge of all matters set forth in this affidavit.

2. The purpose of this affidavit is to support applicants' contention in this matter that they are entitled to an international filing date of December 18, 2002 and the priority date of January 10, 2002 stemming from U.S. Patent Application Serial Number 10/043, 527.
3. On December 18, 2002, I personally completed the filing papers pertaining to this application, PCT/US03/05987. These papers, true and correct copies of which are attached to this affidavit include the following: PCT International Application Transmittal Letter (PTO 1382) dated December 18, 2002, PCT Request (PCT/RO/101) consisting of sheet numbers 1 to 6, PCT Fee Calculation Sheet (PCT/RO/101 (annex)) dated December 18, 2002, 97 PCT General Power of Attorney dated October 18, 2002, and a return postcard bearing the international filing date in the lower left hand corner 12/18/02.
4. After completing the above described forms and obtaining the required signatures, I prepared a complete set of filing papers comprising the above identified documents and a true and correct copy of the application as filed in U.S. Serial number 10/043,527, sealed these filing papers in a U.S. Postal Service Express Mail envelope and affixed to said envelope a Post Office to Addressee Express Mail label No. EV 056011565 US addressed Box PCT, Assistant Commissioner for Patents, Washington, DC 20231.
5. After preparing the express mailing envelope as set forth above, I personally carried the envelope from my offices at 6001 Bollinger Canyon Road, San Ramon, California to a U.S. Postal Service Express Mail Box located at 2680 Bishop Drive, San Ramon, California and personally deposited said envelope in said express mail collection box on December 18, 2002, at approximately 3:15 p.m. in the afternoon.
6. On April 15, 2003, I received from the U.S. Receiving Office an Invitation to Correct Priority Claim dated April 8, 2003, which Invitation indicates that the filing date of this application did not fall within the period of twelve months preceding the international filing date.
7. After receiving the Invitation to Correct Priority Claim, I reviewed the file and noted that the Customer Copy of the Post Office to Addressee label contained an incorrect "date in"

date of February 28, 2003. I also noticed that the return post card contained in our file contains the incorrect date of February 28, 2003. Prior to April 15, 2003 I was not aware of a discrepancy in the international filing date that should be accorded to this application.

8. To gather further information in support of the Petition accompanying this Affidavit, on April 25, 2003 I called the San Ramon, California U.S. Post Office and spoke to Ms. Erlinda Cundey to learn why an Express Mail item delivered to an Express Mail box on December 18, 2002 would not be recorded as received in the U.S. Post Office until two and one-half months later, February 28, 2003.

9. Ms. Cundey informed me that U.S. Postal Service records indicated the Express Mail item No. EV 056011565 US was received by the U.S. Post Office on February 28, 2003. She further indicated that U.S. Postal Service procedures for retrieval of Express Mail items deposited in the Express Mail collection box at 2680 Bishop Drive, San Ramon, California are as follows:

(a) The postal carrier collects Express Mail items from the collection box and electronically records (scans) the collection location and the actual time of pick up. Individual mail items located in the collection boxes are not electronically recorded (scanned) at each collection box location.

(b) At the Express Mail collection box, the Express Mail items are loaded into a U.S. mail bag labeled "Express Mail", which is then loaded into the mail carrier's vehicle.

(c) The Express Mail bag is then delivered directly from the Express Mail collection box to the San Ramon Post Office.

(d) A U.S. Postal Service dispatch clerk removes each express mail item from the Express Mail bag and completes the "ORIGIN (POSTAL USE ONLY)" box on each express mail item and then places and seals the items in a U.S. Mail bag labeled "Express Mail". Sealed Express Mail bags are transported to the U.S. Post Office Plant

(7th Street) in Oakland, California where the Express Items are removed from the sealed bag and electronically scanned into the U.S. Postal Service's Express Mail computer tracking system.

10. Based upon my understanding of the U.S. Postal Service Express Mail collection and routing procedures in the San Ramon Post Office, I believe that the international application I intended to file via "post office to addressee" Express Mail under mailing label EV 056011565 US on December 18, 2002 was misplaced by either the San Ramon Post Office or the Oakland, California U.S. Post Office Plant (7th Street) resulting in the two and one-half month delay evidenced on the Post Office to Addressee "date in" date of 2/28/03.


Alexis Bush Harris

State of California

County of Contra Costa

} ss.



Subscribed and sworn to (or affirmed) before me
this 12 day of May, 2003, by

Alexis Bush Harris.



Signature of Notary Public